

**CITY OF MILPITAS PLANNING COMMISSION
FINAL AGENDA FOR JUNE 13, 2007
CITY HALL COUNCIL CHAMBERS 7:00 P.M.
455 E. CALAVERAS BLVD., MILPITAS, CA 95035
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. PUBLIC FORUM**

Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

- IV. APPROVAL OF MINUTES: May 23, 2007**
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR (Items with an asterisk *)**

At this time any member of the Planning Commission, member of the audience, or staff may request of the Planning Commission to have any item removed from or added to the consent calendar. If removed, this item will be discussed in the order which it appears on the agenda.

IX. PUBLIC HEARING

- 1. ZONING ORDINANCE TEXT AMENDMENT NO. ZT2007-3
ADDING A NEW CHAPTER 5 TO TITLE XI OF THE MILPITAS
MUNICIPAL CODE ESTABLISHING A PROHIBITION ON THE
ESTABLISHMENT AND OPERATION OF MEDICAL
MARIJUANA DISPENSARIES:** A request to add a new Chapter (Chapter 5) to Title XI of the Milpitas Municipal Code prohibiting the establishment and operation of medical marijuana dispensaries in all zoning districts within the City of Milpitas. Applicant: City of Milpitas. Staff Contact: Richard Pio Roda, (408) 586-3040. *(Recommendation: Close the public hearing. Recommend approval to the City Council of Zoning Ordinance Text Amendment No. ZT2007-3.)*
- 2. USE PERMIT AMENDMENT NO. UA2007-3:** A request to add seats to an existing 52 seat restaurant at 1741 N. Milpitas Blvd. (APN: 022-20-049), zoned neighborhood Commercial. Applicant: Khanhly Luong. Staff Contact: Cindy Maxwell 408-586-3287 (PJ# 2481) *(Recommendation: Close the public hearing and continue indefinitely)*

3. **USE PERMIT NO. UP2007-12:** A request to operate a certified Farmers' Market in the parking lot of the existing Calaveras Hills High School at 1331 E. Calaveras Blvd. (APN: 029-17-002), zoned Institutional. The Market would operate Sundays, year round, with public hours from 8 a.m. to 1 p.m. Total hours on the site with setup and take down would be 6 a.m. to 2 p.m. Applicant: Pacific Coast Farmers' Market Association. Staff Contact: Cindy Maxwell 408-586-3287 (PJ# 2490) (*Recommendation: Close the public hearing. Certify the completeness of the Negative Declaration. Approve the recommended findings and Use Permit No. UP2007-12 subject to special conditions.*)
4. **TIME EXTENSION NO. TE2007-3:** A request for an 18-month time extension to Use Permit Amendment No. UA2004-10, "S" Zone Approval Amendment No. SA2004-100 and Environmental Assessment No. EA2005-2. The project was approved by the Planning Commission August 24, 2005. The project consists of the demolition of four (4) existing religious facility ancillary buildings (approximately 21,150 square feet), the construction of two (2) new ancillary buildings (approximately 49,500 square feet) and site modifications that include a parking reduction, removal of protected trees and new landscaping at Christ Community Church located at 1000 S. Park Victoria Drive (APN: 088-37-076), zoned Multi-Family High Density Residential (R3). Applicant: Mark Simmons. Staff Contact: Kristine Lowe, (408) 586-3278 (PJ# 3181) (*Recommendation: Approve with Conditions*)
5. **USE PERMIT NO. UP2007-8 AND "S" ZONE APPROVAL AMENDMENT NO. SA2007-9:** A request to install two (2) 4' X 8" off-site tract signs for the Paragon development. One sign is proposed at the northeastern corner of Curtis and Main St. (APN: 086-25-020), zoned Mixed-Use (MXD). The second sign is located on a vacant parcel, near the intersection on the northwest corner of Milpitas Blvd. and Able St. (APN: 028-17-001) zoned Agriculture (A). Applicant: SignTech. Staff Contact: Tiffany Kunsman (408) 586-3283. (PJ# 2485) (*Recommendation: Continue to the June 27, 2007 Planning Commission Meeting*)
6. **TIME EXTENSION NO. TE2007-11:** A request for a time extension for Use Permit Amendment No. UA2004-9 and "S" Zone Approval Amendment No. SA2004-91. For the replacement of an existing 30-foot tall freestanding pole sign and a 18-foot tall LED sign. Installation of other site upgrades including replacing canopy signage and repainting the main building and other site features (repainting of: fence, storage enclosure, bollards, light standards, etc.) at the 76 Gas Station located at 1787 S. Main St. (APN: 086-21-069) zoned Industrial Park (MP). Applicant: RHL Design Group. Staff Contact: Tiffany Kunsman (408) 586-3283. (PJ# 2398) (*Recommendation: Approved with previous Findings and Special Conditions*)

7. **TIME EXTENSION NO. TE2007-13:** A request for a time extension for Use Permit Amendment No. UA2005-4 and “S” Zone Approval Amendment No. SA2005-25. For the request to replace an existing 10’ 7” tall monument sign with a 7 foot tall monument sign and add other site upgrades including repainting. The repainting includes: the canopy, trash enclosure, fence, bollards, replacing the valences, and other site signage at the 76 Gas Station located at 1640 N Milpitas Blvd. (APN: 026-06-001) zoned Neighborhood Commercial (C1). Applicant: RHL Design Group. Staff Contact: Tiffany Kunsman (408) 586-3283. (PJ#2419) *(Recommendation: Approve with previous Findings and Special Conditions)*
8. **USE PERMIT NO. UP2006-13 AND “S” ZONE APPROVAL AMENDMENT NO. SA2006-23:** A request to locate a telecommunication facility that includes installation of six 1’ x 4’-6” panel antennas that are concealed within a 50’ tall flagpole and installation of associated equipment cabinets within a 10’x15’ leased space located inside an existing storage locker located at 1680 S. Main Street (APN: 086-34-009), zoned R4. Applicant : T-Mobile. Staff Contact: Cindy Hom, (408) 586-3284. (PJ# 2460) *(Recommendation: Approve with Conditions)*
9. **TIME EXTENSION NO. TE2007-14:** A request for a one-time 18 month time extension for previously approved station upgrades, minor site modifications, and signage for Union 76 Gas Station located at 27. S. Park Victoria Drive (APN: 088-04-010), zoned C1-S. Applicant; RHL Design Group. Staff Contact: Cindy Hom (408) 586-3284 (PJ# 2421) *(Recommendation: Approve with previous Findings and Special Conditions)*
10. **TIME EXTENSION NO. TE2007-4:** A request for a one-time 18 month time extension for previously approved station upgrades, minor site modifications, and signage for Union 76 Gas Station located at 97. S. Abbott Ave. (APN: 022-28-018), zoned C2-S. Applicant: RHL Design Group. Staff Contact: Cindy Hom (408) 586-3284 (PJ# 2422) *(Recommendation: (Recommendation: Approve with previous Findings and Special Conditions)*

Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

X. ADJOURNMENT

THE NEXT PLANNING COMMISSION MEETING IS June 27, 2007

The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

MILPITAS PLANNING COMMISSION SUBCOMMITTEE

The Planning Commission Subcommittee consists of two members (currently Larry Ciardella-regular member, Gurdev Sandhu-regular member, Norman Azevedo-alternate member) of the Planning Commission, who have approval authority for minor "S" Zone project reviews not involving public hearings. This project review will be held at 6:30 P.M. on April 25th in the City of Milpitas Committee Conference Room First Floor, 455 E. Calaveras Boulevard.

- a. ADMINISTRATIVE PERMIT APPROVAL NO. AD2007-9:** A request to hold a two-day outdoor event on June 22, 2006 to June 23, 2006 for the American Cancer Society's Relay for Live event held at the Sports Center track field location at 1325 E. Calaveras Blvd. (APN: 029-17-015), zoned Institutional (I-S). Applicant: A-ABCO Rents and Sells Inc. Staff Contact: Cindy Maxwell, (408) 586-3287. *(Recommendation: Approve with Conditions)*

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review. FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE OR TO REPORT A VIOLATION OF THE ORDINANCE, CONTACT THE OPEN GOVERNMENT SUBCOMMITTEE at the City Attorney's office at the Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035.
E-mail: rpioroda@ci.milpitas.ca.gov
Fax: (408) 586-3030
Phone : (408) 586-3000

A free copy of the Open Government Ordinance is available from the City Clerk's Office or by visiting the City's website www.ci.milpitas.ca.gov Select Open Government Ordinance under News Features